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761551N25A - SH-AD-32A

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT
A Tradition of Service

DATE: December 19, 2013
FILE NO:

OFFICE CORRESPONDENCE

FROM: BOBBY D. DENHAM, COMMANDER
NORTH PATROL DIVISION

TO: ALICIA E. AULT, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS:

Case Number:	SH2318852
Incident:	Hit Shooting
Incident Date:	August 16, 2012
Unit:	Compton Station
Suspect:	Marcell Maurice Parker, MH/10-21-80
Involved Employees:	Deputy Jerry Lopez, #[redacted] Deputy Marco Miranda, #[redacted]
EFRC Date:	December 19, 2013

The Executive Force Review Committee (EFRC) consisting of Commanders Bobby Denham, Patrick Maxwell, and Ralph Webb met and reviewed the above case.

FORCE POLICY RELATING TO INCIDENT:

Law Enforcement officers may use deadly force in self-defense or in the defense of others only when they reasonably believe death or serious physical injury is about to be inflicted upon themselves or others.

FINDINGS:

Compton deputies received information from Operation Safe Streets Bureau that there was a male black wearing a black shirt and red hat armed with a handgun, walking in the area of Red's Liquor near Palmer Street and Long Beach Boulevard, Compton.

Deputies responded towards Red's Liquor to search for the male black armed with the gun. As one of the patrol units was driving east on Palmer Street west of Poinsettia Avenue, they saw a male black (Suspect Parker) matching the description walking west on Palmer Street towards Poinsettia Avenue with another male black.

The deputies stopped their patrol car on the south side of Palmer Street east of Poinsettia Avenue facing east towards the two males. Both deputies saw Suspect Parker had a startled look on his face. One of the deputies exited the patrol car and attempted to contact both males. Suspect Parker quickly ran west on Palmer Street and as he passed the other deputy, he saw a gun in Suspect Parker's waistband. As Suspect Parker turned south on Poinsettia Avenue, the deputy saw a gun in Suspect Parker's right hand.

One of the deputies broadcasted on the radio that they were in foot pursuit of a male armed with a handgun. The deputies pursued Suspect Parker west on Palmer Street to south on Poinsettia Avenue, then west in the south alley of Palmer Street. While in the alley, Suspect Parker turned towards them holding a gun in his right hand and pointed the gun at them. One of the deputies fearing he or his partner were going to be shot, fired two rounds at Suspect Parker from approximately 20 feet away, striking him in the left side. Suspect Parker continued to run at a fast pace westbound through the alley towards Sloan Avenue. One of the deputies broadcasted that a Deputy Involved Shooting had just occurred and they continued to pursue Suspect Parker.

Another deputy, who had just stopped his patrol car in the middle of Sloan Avenue facing south just north of the alley, was beginning to exit his vehicle, when he saw Suspect Parker come running from around the northeast corner of the alley, holding a gun in his right hand. Suspect Parker continued running north on the east sidewalk area of Sloan Avenue and the deputy exited his car while simultaneously giving verbal commands for Suspect Parker to drop the gun. Suspect Parker continued to run north on Sloan Avenue passing the deputy who was in the street near the rear portion of his patrol vehicle. Suspect Parker then turned towards the deputy Lopez and pointed a gun at him with his right hand. The deputy believed Suspect Parker was going to shoot him so with a clear shot of Suspect Parker, from seven to ten feet away, he fired at him, missing him. Suspect Parker turned back around and continued to run north on Sloan Avenue. The deputy pursued Suspect Parker on foot with one of the original deputies following a short distance behind him. They all continued east onto Palmer Avenue.

Suspect Parker stopped behind a green Cadillac that was parked facing east in front of [redacted] East Palmer Street. With a gun in his right hand, Suspect Parker turned towards one of the pursuing deputies and pointed it at him. The deputy, believing he was going to be shot, used the engine block of the Cadillac for cover

and with a clear shot from approximately ten feet away, fired one round at Suspect Parker. Suspect Parker was struck in the right buttocks and immediately fell to the ground behind the front portion of the Cadillac. Deputies advanced towards Suspect Parker in a "V" formation and detained him at gun point. Suspect Parker was handcuffed and taken into custody.

Suspect Parker was treated at the scene by personnel from Compton Fire Department. He was subsequently transported to Saint Francis Medical Center for treatment of a through and through gunshot wound to his left flank (waist) area and a gunshot entry wound to his right buttocks with that bullet lodging in his right groin area.

A black steel semi-automatic handgun with wood grips, 25 caliber, "Armi-Tanfoglio Giuseppe" Model GT27 was found in the gutter where Suspect Parker had fallen and was handcuffed. The handgun was found with the hammer in the "cocked" position, a bullet was loaded in the chamber and an additional 5 bullets loaded in the magazine

The EFRC determined the force used against the suspect was within Department policy. The EFRC also determined the tactics used were within Department policy.

RECOMMENDATIONS:

The EFRC recommended the unit commander, Captain Leonard McCray, conduct a tactical debriefing with all involved personnel regarding the unique circumstances of this incident.

BDD:JER:jer



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

JACKIE LACEY • District Attorney
SHARON J. MATSUMOTO • Chief Deputy District Attorney
JOSEPH P. ESPOSITO • Assistant District Attorney

SCOTT K. GOODWIN • Director

January 30, 2013

Captain David Smith
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

Re: J.S.I.D. File #12-0541
L.A.S.D. File #012-10238-2824-055

Dear Captain Smith,

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the August 16, 2012, non-fatal shooting of Marcell Parker. It is our conclusion that Los Angeles Sheriff's Department (LASD) Deputies Marco Miranda and Jerry Lopez acted in lawful self-defense and defense of others.

The District Attorney Command Center was notified of this incident at 1:15 p.m. on August 16, 2012. The District Attorney Response Team (DART), comprised of Deputy District Attorney Paul Nunez and Senior Investigator [redacted] responded to the scene. They were given a briefing of the circumstances surrounding the shooting and a walk-through of the scene.

The following analysis is based upon reports, photographs, and diagrams submitted to this office by LASD Homicide Detectives Kathleen Gallagher and Philip Guzman. The voluntary statements of Deputy Miranda and Deputy Lopez were considered as part of this analysis.

FACTUAL ANALYSIS

On August 16, 2012, LASD deputies at the Compton Station received information from an informant that an armed person was walking towards Red's Liquor just south of the intersection

of Long Beach Boulevard and Palmer Street. The suspect was described as a male black wearing a red hat and black shirt. Deputy Jennifer Valenzuela, who was partnered with Lopez, received the suspect information while at lunch. Valenzuela passed along the information to Lopez, Deputy Miranda, and his partner, Deputy Daniel Hoyos.

Deputies responded to the location. Miranda and Hoyos drove east on Palmer Street approaching Poinsettia Avenue, when they spotted two male blacks, one wearing the described clothing, walking westbound on Palmer Street. The man in the red hat and black shirt, later identified as Marcell Parker, raised his head, looked in the direction of the deputies' patrol car, and then immediately began running south on Poinsettia Avenue.[1]

Both Miranda and Hoyos exited their car and chased Parker. Parker turned down the alley south of Palmer Street and ran westbound. As he ran, Parker removed a handgun from his pants pocket. He continued to run with the gun in his hand. Parker turned towards Miranda and Hoyos and pointed the gun at the deputies. Miranda, fearful Parker was about to shoot at him or his partner, fired twice at Parker, striking Parker once in the left leg. Parker continued to run westbound.

Lopez was in a separate patrol car on Palmer Street when Miranda and Hoyos contacted Parker and [redacted]. Lopez drove westbound on Palmer Street as Miranda and Hoyos chased Parker west down the south alley of Palmer Street. Lopez turned south on Sloan Avenue, the next street that intersected the alley. Lopez heard Miranda's shots and saw Parker now running with a gun in his hand towards Lopez. Parker turned north on Sloan Avenue and passed Lopez as he sat in his patrol car. Parker, with the gun in his right hand, turned his upper body as he ran, towards Lopez. Lopez fired possibly two times at Parker but Parker continued to run.

Parker turned east on Palmer Street and hid behind a parked vehicle. Lopez and Miranda followed. Lopez saw the gun still in Parker's hand. Parker turned toward the deputies again. In fear for his life, Lopez shot Parker in the right buttocks, which caused Parker to fall to the pavement. Deputies handcuffed Parker and recovered a loaded .25 caliber, semi automatic firearm next to him.

Parker submitted to three interviews with detectives. On the day of the shooting, Parker was at the car wash when an acquaintance, [redacted], approached Parker and asked for a quote to detail [redacted] two cars. Parker and [redacted] walked to [redacted] house and Parker examined [redacted] cars to prepare the quote. [redacted] went inside his house and when he returned, gave Parker a gun and asked Parker to hold it for him. Parker was scared to refuse. Parker and [redacted] walked to Red's Liquor and [redacted] purchased Parker a soda.

Parker and [redacted] left the store and began walking on Palmer Street. Parker was nervous about holding the gun and wanted [redacted] to take it, but [redacted] asked him to hold it a little longer.

[1] The second male was identified as [redacted].

When the deputies arrived, Parker told [redacted], "You set me up," and [redacted] responded, "You better run!"

Parker ran from the deputies in order to get rid of the gun. He pulled the gun from his pocket and ran with it in his hand so that he could throw it away when he saw an opportunity. He looked back at the deputies when the gun was still in his hands to see how close they were to him. He heard shots and felt pain in his leg but continued to run. He saw another deputy when he left the alley and heard unknown commands. Parker looked back at the second deputy and the deputy fired at him. Parker then hid behind a parked car and heard multiple deputies shouting at him. When he looked up, he was shot a second time. He slid the gun into the gutter when he was handcuffed.

Detectives interviewed [redacted] the man who was walking with Parker when the deputies contacted them. [redacted] knew Parker worked at a car wash near Red's Liquor on Long Beach Boulevard. [redacted] went with Parker to Red's and Parker showed [redacted] the gun while in the Red's parking lot. The gun was small and [redacted] thought it was possibly a .380 caliber handgun. [redacted] heard that Parker carried a gun for protection but this was the first time Parker had shown him a firearm. [redacted] never touched the gun and instead called police to report Parker.

[redacted] saw Parker run from the deputies but did not see where he went. He heard the gunshots and then saw Parker arrested on Palmer Street.

CONCLUSION

California has well settled law that the use of deadly force in self-defense situations or in the defense of others is permissible if it reasonably appears to the person claiming the right of self defense that he actually and reasonably believed he or others were in imminent danger of great bodily injury or death. People v. Humphrey, 13 Cal. 4th 1073, 1082 (1996).

In protecting himself or another, a person may use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent imminent injury. California Criminal Jury Instructions No. 3470.

"Where the peril is swift and imminent and the necessity for action is immediate, the law does not weigh in too nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety." People v. Collins, 189 Cal. App. 2d 575, 588 (1961).

The evidence examined shows that Parker was in possession of a gun and pointed that weapon at deputies on several occasions while ignoring their commands to drop the gun. Parker's continued possession and use of the firearm put the deputies in imminent fear of great bodily injury or death. Deputies Miranda and Lopez responded with deadly force to end the threat.

We conclude that Deputy Marco Miranda and Deputy Jerry Lopez acted in lawful self-defense and defense of others. We are closing our file and will take no further action in this matter.

Very truly yours,

JACKIE LACEY
District Attorney

By Paul Nunez

PAUL NUNEZ
Deputy District Attorney
(213) 974-3880

c: Deputy Marco Miranda, #[redacted]
Deputy Jerry Lopez, #[redacted]

Los Angeles County Sheriff's Department

Officer Involved Shooting

Report Date: 08/16/12	Bureau/Station/Facility: Compton Station	Admin. Invest.? ☐ Hit? ☑

Incident Information

URN: 012-10238-2824-055	Date: 08/16/12 Time: 1218 hours
City or Station: Compton	Nature of Incident: Deputies Miranda and Lopez shot Suspect Parker when he pointed a pistol at them.
Location: [redacted] East Palmer Street	

Location Type (*check one or more*):
☐ Backyard
☐ Beach
☐ Business
☐ Freeway
☐ Industrial
☐ Park
☐ Parking Lot
☐ Residence
☐ Rural
☐ School
☑ Street
Other: ______

Lighting (*check only one*):
☐ Darkness
☑ Daylight
☐ Other
☐ Street Lights

Weather (*circle only one*):
☑ Clear
☐ Cloudy
☐ Fog
☐ Rain

Distance: 25 feet

Incident Type (*check one or more*):
☐ Accidental
☑ Armed Person
☑ Fleeing Suspect
☑ Foot Pursuit
☐ Gun Take Away
☐ Moving Vehicle
☐ Sniper/Ambush
☐ Startle
☐ Struggle Involved
☐ Traffic Stop
☐ Unarmed Person
☐ Unintentional
☐ Vehicle Pursuit
☐ Warrant Service
☐ Warning Shot
Other: ______

Initiated by (*check only one*):
☐ Arrest Warrant
☐ Call
☑ Observation
☐ One Person Unit
☐ Other
☐ Search Warrant
☐ Two Person Unit

Prior Activity (*check only one*):
☐ Detective
☐ Inmate Transport
☐ Other
☑ Routine Patrol

Total # of Shots Fired by Deputy: 4

Total # of Shots Fired by Suspect: 0

Aero Unit? ☐ Canine Unit? ☐

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*check only one*)	ShiftType (*check only one*)
[redacted]	Hoyos	Daniel		☐ EM ☐ PM ☑ Day	☑ Regular ☐ Overtime ☐ Off Duty
				☐ EM ☐ PM ☐ Day	☐ Regular ☐ Overtime ☐ Off Duty
				☐ EM ☐ PM ☐ Day	☐ Regular ☐ Overtime ☐ Off Duty

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	City	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]		

Supervisors

Employee #	Last Name	First Name	M.I.	(*check one or more*)
[redacted]	Sandoval	Jose		☑ On Duty ☐ Present during shooting ☐ Witness to shooting ☐ Involved in shooting
				☐ On Duty ☐ Present during shooting ☐ Witness to shooting ☐ Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Walker	Corey	

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Sandoval	Jose	

PSTD Use Only

SH # ______

Officer Involved Shooting

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
08-16-12	1310 hours		

Employee #	Last Name	First Name	M.I.
[redacted]	Denison	Trent	
[redacted]	Libertone	Patrick	

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(SS) SIG Sauer
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S	E1	FH					NN	
E1	S	FH	BR	9	Y	Y	GS	HI
S	E2	FH					NN	
E2	S	FH	BR	9	Y	Y	NN	
S	E2	FH					NN	
E2	S	FH	BR	9	Y	Y	GS	BT

See Front Side

Officer Involved Shooting
Involved Employee Information

URN: 012-10238-2824-055

Involved Employee

E 1

Field	Value
Employee #	[redacted]
Last Name	Miranda
First Name	Marco
M.I.	
Sex	M
Race	H
Rank	DSG
Unit Assignment	Compton
Work Assignment (Unit #, Module, etc.)	283A
ShiftTime (*circle only one*)	☐ EM ☐ PM ☑ Day
ShiftType (*circle only one*)	☑ Regular ☐ Overtime ☐ Off Duty
Intoxication/Drug Usage?	☐
Substance Used	
Hospital Admission?	☐
Hospital Name	
Coroner Case?	☐
Coroner Case #	
Interviewed?	☐
Hrs of sleep prior to shooting	8
Duty Time (hrs)	[redacted]
Clothing (*circle only one*)	☐ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☑ Uniform w/ Vest
Other Factors	
Age	[redacted]
Height	506
Weight	160
Range Qualification Date	[redacted]
PPC Qualification Date	[redacted]
Laser Training Date	[redacted]
Certified with Weapon Used?	[redacted]
Patrol Certification?	[redacted]
Certification Unit	[redacted]
Prior Shootings?	☑
Number of Prior Shootings	1
Directed Force	[redacted]
Weapons Fired Brand	Beretta
Caliber	9mm
# Shots	2
Weapons Fired Brand	
Caliber	
# Shots	
Field Training Officer Emp #	[redacted]
Last Name	[redacted]
First Name	[redacted]
M.I.	
Field Training Officer Emp #	[redacted]
Last Name	[redacted]
First Name	[redacted]
M.I.	

E 2

Field	Value
Employee #	[redacted]
Last Name	Lopez
First Name	Jerry
M.I.	
Sex	M
Race	H
Rank	DSG
Unit Assignment	Compton
Work Assignment (Unit #, Module, etc.)	287
ShiftTime (*circle only one*)	☐ EM ☐ PM ☑ Day
ShiftType (*circle only one*)	☑ Regular ☐ Overtime ☐ Off Duty
Intoxication/Drug Usage?	☐
Substance Used	
Hospital Admission?	☐
Hospital Name	
Coroner Case?	☐
Coroner Case #	
Interviewed?	☐
Hrs of sleep prior to shooting	7
Duty Time (hrs)	[redacted]
Clothing (*circle only one*)	☐ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☑ Uniform w/ Vest
Other Factors	
Age	[redacted]
Height	506
Weight	150
Range Qualification Date	[redacted]
PPC Qualification Date	[redacted]
Laser Training Date	[redacted]
Certified with Weapon Used?	[redacted]
Patrol Certification?	[redacted]
Certification Unit	[redacted]
Prior Shootings?	[redacted]
Number of Prior Shootings	[redacted]
Directed Force	[redacted]
Weapons Fired Brand	Beretta
Caliber	9mm
# Shots	2
Weapons Fired Brand	
Caliber	
# Shots	
Field Training Officer Emp #	[redacted]
Last Name	[redacted]
First Name	[redacted]
M.I.	
Field Training Officer Emp #	[redacted]
Last Name	[redacted]
First Name	[redacted]
M.I.	

E

Field	Value
Employee #	
Last Name	
First Name	
M.I.	
Sex	
Race	
Rank	
Unit Assignment	
Work Assignment (Unit #, Module, etc.)	
ShiftTime (*circle only one*)	☐ EM ☐ PM ☐ Day
ShiftType (*circle only one*)	☐ Regular ☐ Overtime ☐ Off Duty
Intoxication/Drug Usage?	☐
Substance Used	
Hospital Admission?	☐
Hospital Name	
Coroner Case?	☐
Coroner Case #	
Interviewed?	☐
Hrs of sleep prior to shooting	
Duty Time (hrs)	
Clothing (*circle only one*)	☐ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☐ Uniform w/ Vest
Other Factors	
Age	
Height	
Weight	
Range Qualification Date	
PPC Qualification Date	
Laser Training Date	
Certified with Weapon Used?	☐
Patrol Certification?	☐
Certification Unit	
Prior Shootings?	☐
Number of Prior Shootings	
Directed Force	☐
Weapons Fired Brand	
Caliber	
# Shots	
Weapons Fired Brand	
Caliber	
# Shots	
Field Training Officer Emp #	
Last Name	
First Name	
M.I.	
Field Training Officer Emp #	
Last Name	
First Name	
M.I.	

Officer Involved Shooting
Suspect Information

URN: 082-10238-2824-055

Suspect Information

S 1

Last Name: Parker		First Name: Marcell	M.I.
AKA Last Name		First Name	M.I.
Sex: M Race: B	Street Address: [redacted]	City [redacted]	[redacted] Zip [redacted]
Work Phone:	Home Phone:	Social Security #:	Driver's Licens[redacted]
Age: 31 D.O.B. 10-21-80	Height: 510 Weight: 160	FBI # [redacted]	CII # [redacted]
Booking # 3270934	Primary Charge: 245(d)(1)PC	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☑	Apprehended? ☑	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make		Model:	Year:

S

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

See Other Side

SUPPLEMENTAL NON-EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Non-Employee Witnesses

Last Name [redacted] First Name [redacted] M.I.
Street Address [redacted] Zip Code [redacted] Work Ph Home Ph [redacted]

Last Name [redacted] First Name [redacted] M.I.
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COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

INVESTIGATIVE SUMMARY

INCIDENT:	**On-Duty Hit Shooting**
IAB FILE NUMBER(S):	**SH2318852**
URN#:	**012-10238-2824-055**
DATE /TIME:	**Thursday, August 16, 2012**
LOCATION:	[redacted] **East Palmer Street, Compton**
INVOLVED PERSONEL:	**Deputy Marco Miranda #**[redacted]
	Deputy Jerry Lopez #[redacted]
SUSPECT:	**Marcell Maurice Parker MB/31 (Injured)**

Opening Statement

On Thursday, August 16, 2012, Internal Affairs Investigators Sergeants Trent Dennison, Scott Graham and Lieutenant Patrick Libertone responded to [redacted] East Palmer Street, Compton regarding an on-duty Deputy Involved Hit Shooting.

Synopsis

On Thursday, August 16, 2012, at approximately 1214 hours, Deputy Jennifer Valenzuela (Compton Station Unit 282, partnered with Deputy Erica Saavedra) received information from Operation Safe Streets Bureau Detective Scott Lawler #[redacted], that there was a male black wearing a black shirt and red hat armed with a handgun, walking in the area of Red's Liquor near Palmer Street and Long Beach Boulevard, Compton. Deputy Valenzuela immediately relayed that information to Deputies Jerry Lopez (Compton Station unit 287), Marco Miranda and his partner Daniel Hoyos, who were meeting with her at that time.

Deputies Valenzuela, Saavedra, Lopez, Miranda and Hoyos all responded towards Red's Liquor to search for the male black armed with the gun. As Unit 283A, Deputies Miranda and Hoyos, were driving east on Palmer Street west of Poinsettia Avenue they saw a male black (Suspect Parker) matching the description, walking west on Palmer Street towards Poinsettia Avenue with another male black (Witness [redacted]).

IAB Note: Unbeknownst to Deputies Miranda and Hoyos at the time, Witness [redacted] was the informant who had called OSS Detective Lawler and told him the information about Suspect Parker being armed with a gun near Red's Liquor. Refer to page 8 of the transcripts of Witness [redacted] interview with Homicide Bureau Detectives.

Deputy Hoyos stopped their patrol car on the south side of Palmer Street east of Poinsettia Avenue facing east towards the two males. Both deputies saw Suspect Parker had a startled look on his face. Deputy Miranda exited the front passenger door and attempted to contact both males. Suspect Parker quickly ran west on Palmer Street and as he passed Deputy Miranda, he saw a gun in Suspect Parkers waistband. As Suspect Parker turned south on Poinsettia Avenue, Deputy Hoyos saw a gun in Suspect Parker's right hand.

Deputy Miranda broadcasted on the radio (refer to the radio transmissions, **Exhibit D**) that they were in foot pursuit of a male armed with a handgun. Deputy Miranda with Deputy Hoyos following, pursued Suspect Parker west on Palmer Street to south on Poinsettia Avenue, then west in the south alley of Palmer Street. While in the alley, Suspect Parker turned towards them holding a gun in his right hand and pointed the gun at them. Deputy Miranda, fearing he or his partner, Deputy Hoyos, were going to be shot fired two rounds at Suspect Parker from approximately 20 feet away, striking him in the left side. Suspect Parker continued to run at a fast pace westbound through the alley towards Sloan Avenue. Deputy Hoyos broadcasted that a Deputy Involved Shooting had just occurred (refer to the radio transmissions, **Exhibit D**) and continued to pursue Suspect Parker.

Deputy Lopez, who had just stopped his patrol vehicle in the middle of Sloan Avenue facing south just north of the alley, was beginning to exit his vehicle, when he saw Suspect Parker come running from around the north east corner of the alley, holding a gun in his right hand. Suspect Parker continued running north on the east sidewalk area of Sloan Avenue and Deputy Lopez exited his car while simultaneously giving verbal commands for Suspect Parker to drop the gun. Suspect Parker continued to run north on Sloan Avenue passing Deputy Lopez who was in the street near the rear portion of his patrol vehicle. Suspect Parker then turned towards Deputy Lopez and pointed a gun at him with his right hand. Deputy Lopez believed Suspect Parker was going to shoot him so with a clear shot of Suspect Parker, from seven to ten feet away, he fired at him, missing him. Suspect Parker turned back around and continued to run north on Sloan Avenue. Deputy Lopez pursued Suspect Parker on foot with Deputy Miranda following a short distance behind him and they all continued east onto Palmer Avenue.

IAB Note: The foot pursuit was reviewed by Compton Station Watch Commander Sergeant Jose Sandoval. Refer to the Foot Pursuit Evaluation Form.

Suspect Parker stopped behind a green Cadillac that was parked facing east in front of [redacted] East Palmer Street. With a gun in his right hand Suspect Parker turned towards Deputy Lopez and pointed it at him. Deputy Lopez believing he was going to be shot, used the engine block of the Cadillac for cover and with a clear shot from approximately ten feet away, fired one round at Suspect Parker. Suspect Parker was struck in the right buttocks and immediately fell to the ground behind the front portion of the Cadillac. Deputies Lopez and Miranda advanced towards Suspect Parker in a "V" formation and detained him at gun point. Deputy Lopez advanced along the driver's side of the Cadillac while Deputy Miranda advanced along the passenger side of the Cadillac. Deputy Hoyos approached from the east and handcuffed Suspect Parker.

IAB Note: In reviewing the radio transmissions (**Exhibit D**) of this incident from the time of Deputy Miranda's initial person with a gun radio broadcast to the time Deputy Hoyos advised all deputies were accounted for, approximately seventy-eight seconds had elapsed.

Suspect Parker was treated at the scene by personnel from Compton Fire Department Engine 42 under the command of Captain Burns. He was subsequently transported to Saint Francis Medical Center for treatment of a through and through gunshot wound to his left flank (waist) area and a gunshot entry wound to his right buttocks with that bullet lodging in his right groin area.

A black steel semi-automatic handgun with wood grips, 25 caliber, "Armi-Tanfoglio Giuseppe" Model GT27 was found in the gutter where Suspect Parker had fallen and was handcuffed. The handgun was found with the hammer in the "cocked" position, a bullet was loaded in the chamber and an additional 5 bullets loaded in the magazine.

District Attorney's Letter of Opinion

On February 18, 2013, the Justice System Integrity Division (JSID) of the Los Angeles County District Attorney's office issued a letter of opinion regarding the shooting. It was the conclusion of JSID that Deputy Marco Miranda and Deputy Jerry Lopez acted in lawful self-defense and defense of others. Their conclusion is contained in the letter submitted with this case under **Miscellaneous Documents** section.

Involved Personnel

Deputy Marco Miranda #[redacted]
Compton Sheriff Station

Date of Employment: **05/02/2002**
Date Assigned to Patrol: [redacted]
Date Completed Patrol Training: [redacted]
Date Assigned to Station: **05/31/2009**

Prior Shooting Incident(s): SH2252404 (09/20/2009)
Prior Founded Force: [redacted]

Deputy Jerry Lopez #[redacted]
Compton Sheriff Station

Date of Employment: 12/12/1999
Date Assigned to Patrol: [redacted]
Date Completed Patrol Training: [redacted]
Date Assigned to Station: 03/21/2010
Prior Shooting Incident(s): [redacted]
Prior Founded Force: [redacted]

Suspect

Marcell Maurice Parker
Male Black, DOB: 10/21/1980

The Consolidated Criminal History System (refer to the copy of report attached to this case under **Miscellaneous Documents** section) revealed that Suspect Parker had been [redacted]

Employee Witnesses

Deputy Daniel Hoyos #[redacted]
Central Division
Compton Station

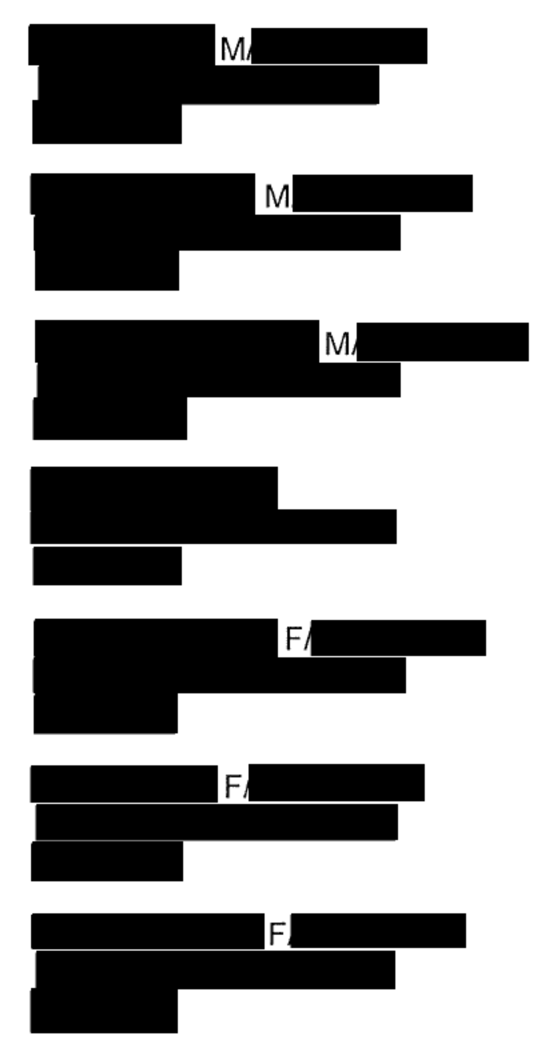
Deputy Jennifer Valenzuela #[redacted]
Central Division
Compton Station

Deputy Erica Saavedra #[redacted]
Central Division
Compton Station

Deputy Henry A. Meraz #[redacted]
Central Division
Compton Station

Sergeant Daniel Martinez #[redacted]
Central Division
Compton Station

Non-Employee Witnesses



[redacted] M/[redacted]

[redacted] M[redacted]

[redacted] M/[redacted]

[redacted]

[redacted] F/[redacted]

[redacted] F/[redacted]

[redacted] F/[redacted]

The area was canvassed for additional witnesses regarding the deputy involved shooting (refer to **Exhibit A** pages 22-31).

Injuries

No deputies were injured during this incident.

Suspect Parker sustained one through and through gunshot wound to his left hip and buttock area and suffered a fractured left pelvis. He additionally sustained a gunshot wound to his right buttocks with that bullet lodging in his groin area.

Physical Evidence

Scientific Services Bureau personnel collected several items of evidence (refer to **Exhibit A**, Homicide Investigation Book pages 59-60 and the sketches of the scene **Exhibit B**).

Investigators Observations

The scene is described in detail by Homicide Investigators, Detectives John Duncan #[redacted] and Michael Valento #[redacted]. Their description of the scene is consistent with IAB Investigators observations. Refer to pages 32-38 of Homicide Investigation Book **Exhibit A.** The scene was also photographed by Scientific Services. Refer to the compact disc and thumb nail photos under **Exhibits C and D**.

Weapons used by Deputies

Deputy Marco Miranda:

Service Weapon Type:	Beretta 92F Serial Number BER[redacted]
Rounds Fired:	Two
Type of Ammunition Used:	Win 9mm luger caliber cartridges
Date Employee Last Qualified:	July 3, 2012

An examination of Deputy Miranda's firearm indicated 12 live cartridges were in the magazine and an additional one live cartridge was loaded in the chamber (refer to page 60 of **Exhibit A**). Two 9mm casings were found at the scene where Deputy Miranda said he fired his weapon (refer to page 33 of **Exhibit A**).

IAB Note: Deputy Miranda told Homicide Bureau Detectives Kathleen Gallagher #[redacted] and Phil Guzman #[redacted] he usually carries his weapon loaded with 15 rounds in the magazine and one additional round in the chamber for a total of 16 rounds. Deputy Miranda originally stated he fired two rounds at the suspect, however his weapon was found to have a total of 13 live rounds at the time it was collected for evidence. His explanation for the discrepancy of the amount of remaining rounds was that it may have been possible he fired three rounds at the suspect (refer to pages 17-18 of the transcripts from Deputy Miranda's interview with Homicide Bureau).

Deputy Miranda's firearm was examined by Scientific Services Firearms Identification Unit and found to be functional (refer to page 64 of **Exhibit A**).

Deputy Jerry Lopez:

Service Weapon Type:	Beretta 92FS Serial Number BER[redacted]
Rounds Fired:	Two
Type of Ammunition Used:	Win 9mm luger caliber cartridges
Date Employee Last Qualified:	June 27, 2012

An examination of Deputy Lopez's firearm indicated 13 live cartridges were in the magazine and an additional one live cartridge was loaded in the chamber (refer to page 60 of **Exhibit A**). One 9mm casings was found at the scene on Sloan Avenue and one 9mm casing was found at the scene on Palmer Street where Deputy Lopez said he fired his weapon(refer to page 33 of **Exhibit A**).

Deputy Lopez's firearm was examined by Scientific Services Firearms Identification Unit and found to be functional (refer to page 64 of **Exhibit A**).

One expended bullet was recovered from Suspect Parker's groin area (refer to page 19 of **Exhibit A**).

Weapon used by Suspect

Suspect Parker produced a black steel semi-automatic handgun with wood grips, 25 caliber, "Armi-Tanfoglio Giuseppe" Model GT27. The handgun was loaded with one bullet in the chamber and an additional 5 bullets loaded in the magazine. The serial number to the gun was scratched off.

Property Damage

None located

Criminal Investigators/Charges Filed

Investigators:	Detectives Kathleen Gallagher #[redacted] and Phil Guzman #[redacted] assigned to Homicide Bureau.
Charges:	Assault with a Deadly Weapon on a Peace Officer, 245(d)(1)PC Carry a Loaded Firearm, 25850(a)PC Carry a Concealed Firearm, 25400(a)(2)PC Firearm Access Violation, 29800(a)(1)PC Ammunition Violation, 30305(a)(1)PC Assault by Means Likely To Produce Great Bodily Injury, 245(a)(4)PC
Court Date:	Sentenced to 3 years State Prison.

Lighting and Weather Conditions

The shooting occurred outside during daylight hours and the weather was hot.

Involved Employee Statements

The following narratives are intended only as a synopsis of the recorded interviews of the involved employee's statements to Internal Affairs Bureau Investigators. Additional

information and precise wording may be obtained by reviewing the recorded interviews and transcriptions included with this case.

Deputy Marco Miranda was interviewed on November 21, 2013, at the Internal Affairs Bureau Offices by Sergeants Catrina Khasaempanth and Brenda Gibson. Deputy Miranda was represented by Omkar Ranade of Green and Shinee Law Firm.

Deputy Miranda's statement and description of the incident during this interview was essentially the same as he provided to Homicide detectives.

Deputy Miranda said he and his partner Deputy Hoyos were having breakfast with Deputies Valenzuela and Lopez when Deputy Valenzuela told them about information she received regarding a man armed with a handgun. They all discussed a plan and left to search for the armed suspect.

Deputy Miranda and his partner Deputy Hoyos (driver) were travelling eastbound on Palmer Street when they saw Suspect Parker on the south sidewalk. Deputy Hoyos stopped their patrol vehicle close to the south curb of Palmer Street and as Deputy Miranda exited and was giving commands to Suspect Parker to come to the hood of their vehicle, he saw a bulge in his right side waistband area. Suspect Parker, who was approximately 10 feet away, quickly ran west on Parker Street and continued south on Poinsettia Avenue. At the moment when Suspect Parker started to run, his shirt rose up and Deputy Miranda was able to see the butt of a handgun protruding from his right waistband area. Deputy Miranda said he broadcasted over the radio that a suspect with a gun was running from them and he and Deputy Hoyos went in foot pursuit of him.

> **IAB Note:** A review of the radio transmissions indicated at 1218 hours, Deputy Miranda broadcasted over the main frequency (Dispatch 9) a male black with a gun (radio code 417) wearing a black shirt was running from them. Refer to **Exhibit D** for complete radio transmissions.

As Deputy Miranda turned the corner from west on Palmer Street to south on Poinsettia Avenue he could not see where Suspect Parker was. Deputy Miranda said he continued running south on Poinsettia Avenue with the intent to locate and follow Suspect Parker, broadcast his location, and establish a good containment. When Deputy Miranda reached the south alley of Palmer Street he saw Suspect Parker running west in the alley. Deputy Miranda and Hoyos continued pursuing west in the alley and Deputy Miranda heard Deputy Hoyos broadcast on the radio that Suspect Parker was running. He also heard, via the radio, Deputy Hoyos direct someone to go through the alley.

> **IAB Note:** A review of the radio transmissions indicated approximately six seconds after the initial 417 broadcast, Deputy Hoyos request the Duplex patch radio frequency and broadcasted "Hey go in through the alley," followed by "Were at Palmer

and Poinsettia Male Black, black shirt red.." Refer to **Exhibit D** for complete radio transmissions.

Seconds later Suspect Parker turned towards them and pointed a handgun at them. Deputy Miranda believed Suspect Parker was going to shoot him, his partner, or both so in order to stop the threat he fired his gun two or three times at Suspect Parker. Suspect Parker turned back around and continued running west through the alley. Deputy Miranda said he did not believe Suspect Parker was hit because he continued running at a fast pace.

Deputy Miranda said he was approximately 20 feet west of Poinsettia Avenue when the shooting occurred. He explained he was close to the south portion of the alley and was going to use a light pole for cover but since Suspect Parker had turned around so quickly he was unable to. He described his backdrop as being that of a brick wall. He said he shot in a northwesterly direction at Suspect Parker and remembered there were no citizens in his backdrop.

Deputy Miranda said he continued to pursue Suspect Parker west through the alley. Suspect Parker then ran north on Sloan Avenue and Deputy Miranda, who was approximately thirty to thirty-five feet behind him in the alley, lost sight of him. Seconds later Deputy Miranda heard gunshots coming from Sloan Avenue. Deputy Miranda believed the gun shots were either from Suspect Parker or another deputy who was staged on Sloan Avenue. Deputy Miranda said he knew another deputy was on Sloan Avenue because he had heard Deputy Hoyos' earlier radio transmissions directing someone to either go through the alley or cut him off at the alley and knowing Sloan Avenue was the next street to intersect the alley, it lead him to believe a deputy was there. Once Deputy Miranda heard the gunshots he immediately slowed down and took a wide turn onto Sloan Avenue in order to avoid a cross fire situation.

Once on Sloan Avenue, Deputy Miranda saw Deputy Lopez in the street on Sloan Avenue just south of Palmer Street pursuing Suspect Parker who was running northbound on the east sidewalk of Sloan Avenue in front of Deputy Lopez. Deputy Miranda ran north on Sloan Avenue and when he was approximately ten to fifteen feet behind Deputy Lopez, he saw Suspect Parker run east on Palmer Street then stop in front of a car parked on the street at [redacted] Palmer Street. Deputy Miranda, whose focus was now on Suspect Parker, saw him move his head up and down as though he was dodging them while he was in front of the car. Deputy Miranda then heard one gun shot and saw Suspect Parker immediately drop to the ground. Although Deputy Miranda did not see Deputy Lopez fire his weapon he believed it was him because he had last seen him in the street on Palmer Street near the parked car and since Suspect Parker immediately dropped to the ground after the gunshot he knew it had to have been Deputy Lopez who shot him. Deputy Miranda broadcasted over the radio he was at Sloan and Palmer with Suspect Parker.

IAB Note: Deputy Miranda was provided copies of Scientific Services Bureau's crime scene sketches during his interview. Refer

to those sketches (**Exhibit E**) for the location where Deputy Miranda indicated he was at the time of Deputy Lopez's second shooting.

Deputy Miranda, who was standing on the sidewalk in front of [redacted] East Palmer Street, and Deputy Lopez who was in the street along the driver's side of the vehicle where Suspect Parker fell to the ground, advanced in a "V" formation towards Suspect Parker and detained him at gunpoint. Deputy Miranda said Suspect Parker had fell face down to the ground with his head positioned north and his feet south. His hands were tucked under his body causing them to order him several times to show his hands. He eventually complied and took his hands out from under his body. Moments later Deputy Hoyos, whom Deputy Miranda believed was following behind him, arrived and handcuffed Suspect Parker. Deputy Miranda believed Deputy Hoyos searched Suspect Parker at that time. Suspect Parker continuously moved around while handcuffed but Deputy Miranda was unsure as to why. Deputy Miranda asked Suspect Parker where his gun was and Suspect Parker told him he tossed it in the alley. Deputy Miranda said he never saw Suspect Parker toss anything in the alley but decided to have Aero Bureau check for a second gun. Once sufficient back up personnel arrived Deputy Miranda went to search for the gun.

Deputy Miranda said he did not fire his weapon at Suspect Parker because his view was partially blocked by the car Suspect Parker was behind and therefore could not see his hands. Deputy Miranda only saw Suspect Parker moving his head up and down; from his vantage point he did not perceive a threat at that time.

Deputy Miranda said it felt like thirty seconds had passed from the time he first went in foot pursuit of Suspect Parker to the time he was handcuffed. He added that everything happened so fast.

Deputy Jerry Lopez was interviewed on November 21, 2013, at the Internal Affairs Bureau Offices by Sergeants Catrina Khasaempanth and Brenda Gibson. Deputy Lopez was represented by Omkar Ranade of Green and Shinee Law Firm.

Deputy Lopez's statement and description of the incident during this interview was essentially the same as he provided to Homicide detectives.

Deputy Lopez said he was meeting with Deputies Miranda, Hoyos, and Valenzuela when Deputy Valenzuela relayed information to them regarding a man with a gun in the area of Palmer Street and Long Beach Boulevard. They discussed a plan on how to search for the suspect and then proceeded to search for the armed suspect in their respective patrol vehicles. As Deputy Lopez was turning westbound onto Palmer Street from southbound Long Beach Boulevard, he saw Deputies Miranda and Hoyos exiting their patrol vehicle to make contact with a suspect who matched the description of the armed man with a gun. Deputy Lopez saw the male suspect (Suspect Marcell Parker) run westbound on Palmer Street to southbound Poinsettia Avenue with both Deputies Miranda and Hoyos pursuing him on foot. Deputy Lopez accelerated his patrol vehicle

westbound Palmer Street to the intersection of Poinsettia Avenue. When he looked south on Poinsettia Avenue he saw Deputy Miranda running westbound into the south alley of Palmer Street. Deputy Lopez said he heard the radio traffic advising Deputies Miranda and Hoyos were in foot pursuit of a man with a gun so he proceeded westbound on Palmer Street towards Sloan Avenue, in an effort to contain Suspect Parker. Approximately 4-5 seconds later, as Deputy Lopez reached the area of [redacted] he heard two or three gunshots coming from the area of the alley where he last saw Deputy Miranda. Immediately after the gunshots he heard radio transmissions stating a deputy involved shooting had occurred.

Deputy Lopez proceeded westbound on Palmer Street to southbound on Sloan Avenue and stopped in the middle of the street just north of the opening to the alley. Deputy Lopez said he knew Suspect Palmer and Deputies Miranda and Hoyos were most likely running in his direction which is why he chose to stop his patrol vehicle north of the alley to avoid being in their line of fire and to prevent a cross fire situation. As Deputy Lopez opened the door to exit his patrol vehicle, Suspect Parker came running from around the corner of the alley to northbound on Sloan Avenue holding a gun in his right hand. Suspect Parker continued running northbound on the east sidewalk area of Sloan Avenue, passing Deputy Lopez. At that point Deputy Lopez ran after Suspect Parker and as Deputy Lopez reached the rear of his patrol vehicle Suspect Parker turned around towards his left and with his right arm across his chest he pointed the gun at Deputy Lopez. Deputy Lopez said he believed Suspect Parker was going to shoot him so in an effort to stop the threat he fired his weapon, what he believed was twice, at Suspect Parker. Suspect Parker turned back around and continued to run northbound on the sidewalk area of Sloan Avenue. Deputy Lopez did not believe he hit Suspect Parker because Suspect Parker continued to run at a fast pace. Deputy Lopez believed he was approximately seven to ten feet away from Suspect Parker when he fired his weapon and had his patrol vehicle to his left for cover. Deputy Lopez said he had a clear view of Suspect Parker and was certain Deputy Miranda was not in his line of fire at the time he had to fire his weapon. Additionally, he saw his backdrop was that of residential homes on the north side of Palmer Street and there were no civilians outside of their homes.

IAB Note: Deputy Lopez marked the listed positions on a copy of the Scientific Services Bureau Sketch, **Exhibit F.**

Deputy Lopez continued to pursue Suspect Parker on foot and knew Deputy Miranda was close behind him because he heard him broadcast radio traffic about his (Deputy Lopez's) deputy involved shooting. Suspect Parker ran eastbound onto Palmer Street into the middle of the street, along the driver's side of a green Cadillac, and then stopped at the mouth of the driveway to [redacted] Palmer Street near the front right corner of the Cadillac. Deputy Lopez stopped in the street near the driver side door area of the Cadillac. Suspect Parker turned to his left towards Deputy Lopez, and with his right arm across his chest he pointed a gun at Deputy Lopez. Believing he was going to be shot and in an effort to stop the threat, Deputy Lopez fired once at Suspect Parker causing him to fall immediately to the ground. Deputy Lopez said he was approximately ten feet

away from Suspect Parker at the time of this particular shooting and was using the engine block of the Cadillac for cover. He stated he had a clear view of Suspect Parker at the time he fired and his backdrop was that of the homes at [redacted] and [redacted]. He said he did not see any citizens outside of the homes at the time he fired his weapon and there was no cross fire situation present at the time.

IAB Note: Deputy Lopez marked the listed positions on a copy of the Scientific Services Bureau Sketch, **Exhibit F.**

Deputy Lopez said after he fired at Suspect Parker, he saw Deputy Miranda out of his peripheral vision run to the tree near the passenger side of the Cadillac. Deputy Miranda, who was still near the tree, and Deputy Lopez, who was still near the driver's door of the Cadillac, detained Suspect Parker at gunpoint. While lying on the ground Suspect Parker was repeatedly moving his hands towards his waistband. Deputy Lopez thought Suspect Parker had fallen on top of his gun when he was shot and was worried Suspect Parker was trying to retrieve the gun so he ordered him to stop moving his hands. He eventually complied. Deputy Hoyos then approached from the east and at some point Suspect Parker was handcuffed but Deputy Lopez was unsure who handcuffed him. Deputy Lopez said once Suspect Parker was handcuffed and backup units arrived, he felt there was no further danger so he walked several feet away from the scene towards the street to take a breath. When Deputy Lopez was asked if he tried to find Suspect Parker's gun or if he knew what happened to it he stated he did not because he needed a breath and time to decompress. He did remember Suspect Parker saying he tossed it in the alley which led Deputy Lopez to believe he may have had a second gun.

Deputy Lopez said while he was decompressing he heard a noise he described as feet shuffling and when he turned around he saw what looked like deputies holding Deputy Hoyos' arms, telling him to relax, and they moved him away from the area where Suspect Parker was. He did not know why that had occurred. He did discover later that Suspect Parker's gun was found in the gutter several feet from where he had fallen.

Employee Witnesses

The following narratives are intended only as a synopsis of the recorded interviews of the witness employees statements to Internal Affairs Bureau Investigators. Additional information and precise wording may be obtained by reviewing the recorded interviews and transcriptions included with this case.

Deputy Daniel Hoyos was interviewed on November 25, 2013, at the Internal Affairs Bureau Offices by Sergeants Catrina Khasaempanth and Brenda Gibson. Deputy Hoyos was represented by Omkar Ranade of Green and Shinee Law Firm.

Deputy Hoyos said he was partnered with Deputy Marco Miranda and they had worked together for approximately two years. He said they were meeting with Deputies Valenzuela and Lopez when Deputy Valenzuela told them there was a male black armed with a handgun, wearing a red or black shirt and hat, near the area of Red's

Liquor. The deputies discussed a plan to search and decided they would each drive a different route to Red's Liquor in the hopes of locating the armed suspect on one of the routes they traveled.

As Deputy Hoyos and his partner Deputy Miranda, were traveling east on Palmer Street they saw a suspect (Suspect Parker) matching the description, walking with another male black (Witness [redacted]) on the south sidewalk of Palmer Street east of Poinsettia Avenue. As they approached the males and stopped the patrol vehicle, Deputy Hoyos saw Suspect Parker give him a deer in the headlights look and then he ran west on Palmer Street. Deputy Hoyos exited his patrol vehicle and told the remaining male black to not move. He then saw Deputy Miranda run after Suspect Parker and he also went in foot pursuit of him. As Suspect Parker was turning the southeast corner of Palmer Street and Poinsettia Avenue Deputy Hoyos, who was near his patrol vehicle, saw Suspect Parker remove a gun from his right waistband area and run with the gun in his right hand south onto Poinsettia Avenue. Deputy Hoyos and Miranda continued to pursue on Poinsettia Avenue. While on Poinsettia Avenue Deputy Hoyos broadcasted on the Duplex Patch radio frequency they were in foot pursuit of a suspect armed with a handgun. He saw Deputy Lopez on Palmer Street and while on the patch frequency he told him to go to the next street, Sloan Avenue, while simultaneously motioning his hand in that direction. He saw Deputy Lopez then drive towards Sloan Avenue.

Deputy Hoyos saw Suspect Parker and Deputy Miranda run west into the south alley of Palmer Street and Deputy Hoyos, who was approximately fifteen to thirty feet behind Deputy Miranda, momentarily lost sight of them. When Deputy Hoyos reached the mouth of the alley he saw Suspect Parker running with Deputy Miranda pursuing approximately ten feet behind him. They were almost half way through the alley at that time. Suspect Parker then turned around looking towards them and with his right arm raised he pointed the gun at them. Deputy Hoyos believed Suspect Parker was going to shoot them but he could not fire at Suspect Parker because Deputy Miranda was in his line of sight and he did not want to risk hitting him. Deputy Hoyos then heard two gunshots and did not know if it was Deputy Miranda who fired or Suspect Parker. Deputy Hoyos broadcasted that a Deputy Involved Shooting had occurred. He saw Suspect Parker continued to run west through the alley and Deputy Miranda pursued him.

Suspect Parker ran north on Sloan Avenue and about five seconds later Deputy Hoyos heard two to three gun shots coming from that area. He saw Deputy Miranda was still in the alley, approximately ten to fifteen feet east of Sloan Avenue, and had slowed down as he was reaching the end of the alley near Sloan Avenue. He explained that Deputy Miranda was entering onto Sloan Avenue in a tactically safe manner he referred to as "slicing the pie." Deputy Hoyos believed it was either Deputy Lopez or Suspect Parker that fired. He believed Deputy Lopez was possibly the one who shot because he had earlier directed Deputy Lopez to go to Sloan Avenue and he also saw him drive in that direction. He knew Deputy Lopez had to be on Sloan Avenue. Deputy Hoyos then broadcasted on the Duplex patch that a second Deputy Involved Shooting had occurred.

Deputy Hoyos believed that Deputy Miranda had met up with Deputy Lopez on Sloan Avenue, so he (Deputy Hoyos) ran east through the alley, north on Poinsettia Avenue to Palmer Street. His reason for going that way was because in the event Suspect Parker was to double back onto Palmer Street towards Poinsettia Avenue he would be there to contain. When asked if he told Deputy Miranda that he was going back to Poinsettia Avenue Deputy Hoyos said he had not. Deputy Hoyos was asked if he was worried about any type of cross fire situation. He explained he was never in Deputies Miranda and Lopez's clear sight because he would not have ran out in front of Suspect Parker.

When Deputy Hoyos reached Palmer Street at Poinsettia Avenue he stood behind the north east corner of the residence at [redacted] and peeked around the corner to the west. He saw Deputies Miranda and Hoyos were standing pointing their guns in a southern direction at Suspect Parker who was lying in the street. They were on the south side of Palmer Street, two houses east of Sloan Avenue.

IAB Note: Deputy Hoyos indicated on a crime scene sketch (**Exhibit G**) from Scientific Services Bureau, his position as well as Deputies Miranda and Lopez's position when he first saw them on Palmer Street. He designated Deputy Lopez as the "Red C" on the sketch and Deputy Miranda as the "Red D." Refer to page 16 of 28 of Deputy Hoyos' IAB interview transcripts.

Deputy Hoyos said he ran from his position of cover at [redacted] to the middle of the street then proceeded west to assist Deputies Lopez and Miranda. He explained at no point was he in their line of sight should they need to fire again, because he was approaching from the north east and they were facing south. Deputy Hoyos then handcuffed Suspect Parker. When Deputy Hoyos was asked if he searched Suspect Parker after handcuffing him he said he had not and then clarified by saying he had not done a thorough search. He explained he had done a quick sweep of Suspect Parker but did not check his pockets or waistband area. After conducting a quick search of Suspect Parker Deputy Hoyos said he requested paramedics for Suspect Parker, via the radio, and set up a containment of the area. Deputy Hoyos said he was unsure where Suspect Parker was injured but knew he was injured because of the blood he (Deputy Hoyos) had on his hands after searching him.

While awaiting the arrival of paramedics Deputy Hoyos said Suspect Parker, who was laying with his head facing a south east direction and his feet in a northern direction, was shimming his way towards the south curb line near some leaves. He further described it as Suspect Parker was trying to move his body from a north south direction to an east west direction moving his waist closer to the south curb and leaf area. Deputy Hoyos was unsure of why Suspect Parker was moving in that direction but thought he could have been moving closer to the curb in order to retrieve a weapon, so he told him several times to stop moving. Suspect Parker did not comply with his orders and continued to shimmy his way towards the curb. At that point Deputy Hoyos

believed Suspect Parker was grabbing at something in the curb area, so he placed his left foot on Suspect Parker's buttocks to stop his movement towards the curb and told him to stop moving. Suspect Parker complied. Deputy Hoyos said an unknown person grabbed him and he took his foot off of Suspect Parker. That same person asked him what was going on and Deputy Hoyos told him that Suspect Parker was grabbing at something and they needed to search that area.

> **IAB Note:** During Sergeant Martinez's interview with Internal Affairs Bureau, he explained he was the person who had grabbed Deputy Hoyos. Refer to pages 5-7 of Sergeant Martinez's transcripts for further.

Deputy Hoyos could not remember which deputy it was but said a deputy searched the area he was referring to and they found a small caliber handgun underneath some leaves.

Deputy Jennifer Valenzuela was interviewed on November 25, 2013, at the Internal Affairs Bureau Offices by Sergeants Catrina Khasaempanth and Brenda Gibson. Deputy Valenzuela was represented by Omkar Ranade of Green and Shinee Law Firm.

Deputy Valenzuela said she was partnered with Deputy Erica Saavedra on the day of the shootings because Deputy Saavedra's [redacted] was off that day. During her shift Deputy Valenzuela received information from OSS Detective Lawler regarding information about a suspect armed with a gun. Deputy Valenzuela shared that information with Deputies Miranda, Hoyos, and Lopez and explained the suspect was supposed to be walking eastbound on Palmer Street. Together they discussed a plan and went searching for the armed suspect (Suspect Parker). Deputy Valenzuela, along with her partner Deputy Saavedra, were to drive on Long Beach Boulevard then west on Palmer Street while Deputy Hoyos and his partner Deputy Miranda were to drive east on Palmer Street. This was in order to have the beginnings of a semi-containment established in the event Suspect Parker started to run.

As Deputies Valenzuela and Saavedra were searching for Suspect Parker, Deputy Valenzuela heard Deputy Miranda broadcast on the radio he was in pursuit of a suspect armed with a gun. Deputy Valenzuela responded to Palmer Street between Sloan Avenue and Poinsettia Avenue. When she arrived she saw Suspect Parker handcuffed on the ground, his head was facing the south curb line and his feet were northeast. Deputies Hoyos and Miranda were standing near Suspect Parker and Deputy Miranda was broadcasting information on the radio about Suspect Parker's gun being in the alley. Deputy Lopez was standing in the middle of the street approximately 15 feet away.

Deputy Valenzuela said Suspect Parker wiggled around as though he was purposely trying to inch his body towards the south curb line of Palmer Street. He ignored orders to stop moving and continued to inch towards the curb. She said the gutter of the south curb line was full of leaves and trash. She explained that his movements did not seem

to be because he was in pain but more suspicious in nature which led her to believe that there was a possibility a gun may have been on his person or underneath him. Deputy Valenzuela said Deputy Hoyos then placed his knee or foot on Suspect Parker's lower leg or thigh area to stop his movement and told him to stop moving, to which he complied. At that point a male deputy, possibly Detective Meraz, yelled "gun" and the gun was found lying under the leaves in the gutter where Suspect Parker had been inching his way towards. When asked if Deputy Hoyos kicked or stomped Suspect Parker, Deputy Valenzuela said he had not.

Deputy Valenzuela said she maintained focus on the gun and Suspect Parker to ensure safety. Once paramedics arrived Suspect Parker was moved away from the gun.

Deputy Erica Saavedra was interviewed on November 22, 2013, at the Internal Affairs Bureau Offices by Sergeants Catrina Khasaempanth and Brenda Gibson. Deputy Saavedra was represented by Omkar Ranade of Green and Shinee Law Firm.

Deputy Saavedra said at the time of these shootings she had been assigned to Compton Station for approximately three months and was partnered with Deputy Jennifer Valenzuela for that day. During her shift Deputy Valenzuela told her they were going to look for a suspect who was supposed to be armed with a gun and he was to be wearing a black shirt and red hat. While they were looking for the suspect she heard emergent radio traffic from another unit requesting backup because they were involved in a shooting. Deputy Valenzuela and Deputy Saavedra responded to [redacted] East Palmer Street.

Upon Deputy Saavedra's arrival she saw Suspect Parker lying on his stomach with his hands cuffed behind his back. His head was facing south near the curb line and she saw blood on his torso area. Deputy Miranda was standing just west of Suspect Parker broadcasting radio traffic. Deputy Saavedra saw Suspect Parker moving his upper body and scooting closer to the curb. She along with other deputies told him to stop moving and he stopped momentarily. Suspect Parker again inched his upper body towards the curb and wiggled onto his side, but Deputy Saavedra did not see what occurred next because she was directed to contain the area with crime scene tape. She stated at the time she left, Deputies Valenzuela, Miranda, Hoyos, Detective Meraz, and Sergeant Martinez were with Suspect Parker. When she returned Suspect Parker was already inside the ambulance.

When Deputy Saavedra was asked if she saw a gun anywhere near Suspect Parker she said she had not but did hear Deputy Miranda broadcast on the radio that a gun may have been tossed. She later learned from Deputy Valenzuela a gun had been found near Suspect Parker.

Detective Henry Anthony Meraz was interviewed on November 25, 2013, at the Internal Affairs Bureau Offices by Sergeants Catrina Khasaempanth and Brenda Gibson. Detective Meraz was represented by Omkar Ranade of Green and Shinee Law Firm.

Detective Meraz's statements were essentially the same as what he documented in his supplemental report. Refer to pages 16-17 of **Exhibit A**.

Detective Meraz said he responded to an assistance request regarding a deputy involved shooting. When he arrived on scene he saw Deputies Miranda, Lopez, Hoyos, Valenzuela and Saavedra standing near Suspect Parker who was lying on the ground on his back and he was handcuffed.

> **IAB Note:** Detective Meraz was shown a copy of the crime scene sketch (**Exhibit H**), to aid him in his account of what occurred, however he did not make any type markings on the sketch.

Detective Meraz said Suspect Parker's head was near the south curb line, almost in the gutter and he was starting to inch his way up towards the curb. He further described Suspect Parker as trying to propel himself towards the curb. Detective Meraz believed Suspect Parker was trying to grab, retrieve or conceal something near the pile of leaves that were adjacent to him. It appeared to him that Suspect Parker was moving those leaves around. Other deputies gave Suspect Parker orders to stop moving but he did not comply. An unknown deputy moved Suspect Parker a few feet to the west and Detective Meraz saw a revolver in the gutter amongst the leaves. Detective Meraz alerted the other deputies of the gun and told them they needed to make sure one of them stood there and watched the gun so Suspect Parker could not get to it. Once the gun was located a deputy stood between it and Suspect Parker to ensure its safety and preserve it as evidence. He added that Deputies Hoyos, Miranda, Saavedra, and Valenzuela were all standing there to ensure Suspect Parker could not retrieve the gun.

Detective Meraz said after the gun was located and Suspect Parker was secured he videotaped the area where the gun was found. At the time of the video the location where Suspect Parker was filmed is where he had been secured after the gun was located.

> **IAB Note:** In reviewing the video (**Exhibit D**) filmed by Detective Meraz, it showed that Suspect Parker was approximately one foot away from the gun. The gun was in the gutter and partially concealed by leaves.

Detective Meraz could not remember at which point Sergeant Martinez arrived on scene.

Sergeant Daniel Martinez was interviewed on December 3, 2013, at the Internal Affairs Bureau Offices by Sergeants Catrina Khasaempanth and Brenda Gibson. Sergeant Martinez was represented by Teresa Machado of the Professional Peace Officers Association.

Sergeant Martinez, who had been a Sergeant for approximately two years and had been assigned to Compton Station for three months at the time of this incident, said he heard emergent radio traffic on the Duplex Patch radio frequency regarding a Deputy Involved Shooting. He immediately responded to the location and arrived approximately two to three minutes later.

IAB Note: The radio transmissions (**Exhibit D**) of this incident indicated that Sergeant Martinez advised he was on scene at approximately four minutes and twenty-eight seconds after the first 998 broadcast was made.

Sergeant Martinez saw Suspect Parker lying on the ground handcuffed and Deputies Lopez, Miranda, and Hoyos were nearby. Sergeant Martinez said while he was near the northern portion of Palmer Street he heard someone say there was a gun under some leaves along the curb line where Suspect Parker was. Sergeant Martinez walked to that area and saw Suspect Parker lying next to some leaves and Deputy Hoyos had his foot on Suspect Parker.

Sergeant Martinez said he did not know why Deputy Hoyos had his foot on Suspect Parker and based on his perception at that moment it did not sit well with him. Sergeant Martinez tugged the back of Deputy Hoyos' belt and his foot lifted off of Suspect Parker. Deputy Hoyos stepped back and told Sergeant Martinez the reason he placed his foot on Suspect Parker was because the gun was near him and he could have reached for it. Sergeant Martinez said prior to that point he had not seen where the gun was. He did eventually see the butt of the gun under some leaves. Sergeant Martinez explained that Deputy Hoyos had not kicked or stepped on Suspect Parker he described the manner in which his foot was placed on Suspect Parker as being similar to someone kneeling down and putting their hand on a person. The hand would be doing the same job as Deputy Hoyos' foot was.

Sergeant Martinez said once the gun was located he did direct someone to ensure its safety but was not sure who. He said it may have been Detective Meraz. Sergeant Martinez said once paramedics arrived he knew they would be moving Suspect Parker so in order to preserve the location of the gun in relation to Suspect Parker he had Detective Meraz record the scene.

Sergeant Martinez explained that upon his initial arrival he also made sure the involved deputies were accounted for and not suffering any injuries. He also obtained a preliminary safety statement from them and began delegating duties and managing the scene.

<u>**Non-Employee Witnesses**</u>

Witness [redacted] was interviewed on August 17, 2012, by Homicide Investigators Phil Guzman and Kathy Gallagher (refer to page 54 of **Exhibit A** for Homicide

Investigators Guzman and Gallagher's Supplemental Report). The interview was audio recorded.

Witness [redacted] was the Male who was with Suspect Parker when Deputies Miranda and Hoyos first spotted Suspect Parker and attempted to make contact with both. Witness [redacted] was also the informant who had called OSS Detective Lawler and told him about Suspect Parker being armed with a handgun.

Witness [redacted] said Suspect Parker showed him a small black gun, possibly a .380, when they were in the parking lot of Red's Liquor. He saw Suspect Parker put the gun in his back pocket. After he saw the gun he called the police to let them know.

Witness [redacted] said as he and Suspect Parker were walking in front of the school on Palmer Street, Sheriff's Deputies pulled up to them and Suspect Parker took off running west on Palmer Street. Deputies chased him to Poinsettia Street and then into the alley south of Palmer Street. When they were in the alley he heard gunshots. He next saw Suspect Parker when he was near a truck or a car at Sloan Avenue and Palmer Street. He had his arms up and deputies were still chasing him. Witness [redacted], who was at Poinsettia Avenue and Palmer Street, heard another gunshot and he dove onto the grass. He said deputies caught Suspect Parker near the corner of Palmer Street and Sloan Avenue.

Witness [redacted] was interviewed on August 16, 2012, by Homicide Investigators Phil Guzman and Kathy Gallagher (refer to page 44 of **Exhibit A** for Homicide Investigators Guzman and Gallagher's Supplemental Report). Sergeant Trent Denison from Internal Affairs Bureau was also present during that interview. The interview was audio recorded.

Witness [redacted] said he was in the northwest part of the kitchen at his house when he heard two gunshots and a person say, "I didn't do anything or I don't have nothing." He looked out the north facing window and saw a male running west in the alley near Sloan Avenue. He saw his arms moving but could not see his hands. He said the person (Suspect Parker) was a male black, in his 20's, wearing a red hat.

Witness [redacted] saw Suspect Parker run north on Sloan Avenue. He also saw there was a police car facing south in the middle of the street. He said the police car was moving in reverse when the deputy fired once at Suspect Parker. He believed the deputy was still seated in the car and fired out the driver's side window. He did not see the suspect when the shot was fired. The deputy stopped the vehicle and ran after Suspect Parker. Witness [redacted] remained in his house and made sure his [redacted] were safe.

Witness [redacted] was interviewed on September 7, 2012, by Homicide Investigators Phil Guzman and Kathy Gallagher (refer to page 57 of **Exhibit A** for Homicide Investigators Guzman and Gallagher's supplemental report). The interview was audio recorded.

Witness [redacted] said he was in his living room when he heard the sound of cars accelerating. He looked out the window and saw a police car stopped with a door open. He saw a male black (Suspect Parker) running around the corner of Palmer Street and Sloan Avenue and a deputy chasing him. The deputy was holding a gun and told Suspect Parker to stop. He heard a gunshot and saw Suspect Parker fall to the ground. He heard the deputy continue to shout orders and Suspect Parker told him, "Okay, Okay." Thirty seconds to a minute later, additional deputies arrived and handcuffed Suspect Parker.

Witness [redacted] was interviewed on August 16, 2012, by Homicide Investigators Phil Guzman and Kathy Gallagher (refer to page 44 of **Exhibit A** for Homicide Investigators Guzman and Gallagher's supplemental report). Sergeant Trent Denison from Internal Affairs Bureau was also present during the interview. The interview was audio recorded and Deputy Barbara Wengert of Compton Station translated in Spanish.

Witness [redacted] who spoke in Spanish language, said he was sweeping the sidewalk in front of his house when he heard gunshots. He then saw a male (Suspect Parker) running from the alley north of Witness [redacted] house with his hands in the air. He saw the backside of Suspect Parker and could not see anything in his hands. He said Suspect Parker was wearing all black. He next saw a deputy shoot at Suspect Parker. He thought he heard a total of five to six shots. He said he actually saw two deputies running after the male and saw both deputies shoot at him. He heard another five to six gunshots. Suspect Parker started to limp after he was shot but kept on running. Suspect Parker ran east on Palmer Street and he was unable to see anything further.

Witness [redacted] said he drank three sixteen ounce beers that day. Investigator Guzman described Witness [redacted] as being jovial and friendly at the time of the interview but it was difficult to keep him focused on the questions asked of him.

Witness [redacted] was interviewed on September 7, 2012, by Homicide Investigators Phil Guzman and Kathy Gallagher (refer to page 57 of **Exhibit A** for Homicide Investigators Guzman and Gallagher's supplemental report). The interview was audio recorded.

Witness [redacted] said she was sitting in the front room of her home with her [redacted] when she heard approximately three gunshots. Witness [redacted] looked out her front window and saw a male (Suspect Parker) running north on Sloan Avenue towards Palmer Street with a deputy chasing him. The deputy had a gun in his hand as he was running.

Suspect Parker was near the rear of a car that was parked near the corner of Palmer Street and Sloan Avenue when she heard two more gunshots and saw Suspect Parker grab his leg. Suspect Parker kept running and fell to the street near the front end of the parked car. Witness [redacted] could no longer see Suspect Parker once he fell to the ground.

Witness [redacted] exited her residence and then saw Suspect Parker was handcuffed and on his stomach. She said she saw a deputy kick Suspect Parker two to three times. Three other deputies pulled the deputy away from Suspect Parker.

Witness [redacted] was interviewed on September 7, 2012, by Homicide Investigators Phil Guzman and Kathy Gallagher (refer to pages 57-58 of **Exhibit A** for Homicide Investigators Guzman and Gallagher's supplemental report). The interview was audio recorded.

Witness [redacted] said she was in her living room on her phone when she heard two gunshots. When she looked out her window she saw a skinny male black (Suspect Parker) running on Sloan Avenue towards Palmer Street with a deputy chasing him. The deputy had his gun drawn and shot at Suspect Parker once. Suspect Parker continued running east on Palmer Street and the deputy again shot at him one time. Suspect Parker continued running a short distance and fell behind the car parked on Palmer Street from what Witness [redacted] could remember. Witness [redacted] could not say for sure if Suspect Parker had a gun in his hand or not because she explained the incident was kind of a blur.

Once Suspect Parker went behind the car Witness [redacted] exited her residence and went outside. She then saw Suspect Parker sitting up with his hands behind him and she assumed he was handcuffed. She said she did not see any deputy kicking Suspect Parker but did see deputies pushing back another deputy.

Witness [redacted] said she remained on her phone throughout this entire incident and her attention was not completely on what was occurring outside.

Witness [redacted] was interviewed on August 16, 2012, by Homicide Investigators Phil Guzman and Kathy Gallagher (refer to page 45 of **Exhibit A** for Homicide Investigators Phil Guzman and Kathy Gallagher's supplemental report). Sergeant Trent Denison from Internal Affairs Bureau was also present during the interview. The interview was audio recorded.

Witness [redacted] said she was working on her computer when she heard five to six gunshots. She looked out her window into her rear alley and saw two policemen running west toward Sloan Avenue. When she went outside to see what had happened she saw a male (Suspect Parker) lying face down on the street. His head was partially on the curb and he was handcuffed. She walked over to Suspect Parker and asked him if he was shot. She said Suspect Parker tried to turn over and she saw a deputy stomp him. Another deputy grabbed the first deputy and pulled him back. Witness [redacted] learned later the reason the deputies were worried about Suspect Parker's movements was because his gun was underneath him and he was trying to get it. She said the deputies were worried Suspect Parker might gain control of the weapon again.

<u>Suspect Statement</u>

Suspect Parker was interviewed on August 16 and 20, 2012, by Homicide Investigators Phil Guzman and Kathy Gallagher (refer to pages 50-51and 55-57 of **Exhibit A** for Homicide Investigators Guzman and Gallagher's supplemental report). The interviews were audio recorded.

Suspect Parker initially told investigators a person named [redacted] asked him to hold a black gun with wooden grips. Suspect Parker accepted the gun and placed it in his back pocket. He was walking with [redacted] near a school when a cop car pulled up. [redacted] told him he better run and Suspect Parker did. The cops chased him into the alley and shot at him twice, striking him once on his left side. He said the bullet entered his left side back area and exited his front left side. He kept running and a second cop told him to stop. He was jogging and starting to slow when he was shot in the buttocks. He said he never took the gun out of his pocket. He said it might have appeared as though he was putting his hand in his pocket but he was only trying to pull his pants up. He said he did turn back towards the cops to see where they were, but it was only after he was shot the second time. After he fell to the ground he told the deputies he had something in his pocket and then pulled the gun from his pocket and placed it on the ground away from him.

When Homicide Investigators questioned him about some of the actions he claimed he took, he admitted that he may have pulled the gun out of his pocket with the intentions of getting rid of the gun. He admitted the gun was at some point in his hand because he wanted to get rid of it. He did not have the gun in his hand to shoot a Deputy he only wanted to toss the gun. He thought he pulled his gun out of his pocket the first time when he was in the alley. He said he pulled the gun from his pocket to throw it but did not realize the Deputy was right there. He said he did not turn to look at him but only heard him say, "I'm gonna shoot."

Suspect Parker said the reason the second Deputy saw a gun in his hand was because as he turned the corner he was trying to put it back in his pocket. He told the Deputy at that time that he was not going to do anything. He said he was running with the gun in his hand but strictly for the reason of tossing it. He said when he fell to the ground the gun was back in his pocket; he removed it and put it on the ground away from him where deputies could see it.

On August 20, 2012, Suspect Parker was again interviewed, at his request. Suspect Parker said he had taken the gun out of his pocket when he was at the end of the alley. He explained the reason was so he could throw the gun. He saw another cop car pull up so he tried to put the gun back into his pocket. When he was running he saw an older Hispanic man and told him everything was okay. He turned to look at the deputies chasing him and heard them talking to him. He then felt himself get shot. He continued to run and saw an additional police car pulling up. He said that deputy told him something and Suspect Parker looked back at him. He continued to run and the deputy shot once, missing him. Suspect Parker said when he was behind a parked car he ducked and when he got back up he was shot again. Suspect Parker fell and was not able to continue running. He said some lady was interviewing him and he saw deputies

talking to each other so he slid the gun out onto the ground in front of him. A deputy then walked over and got the gun.

When Suspect Parker was asked to clarify some of his earlier statements, he told Homicide Investigators the gun might have been poking out of his pocket when he first started running from deputies. He said he was trying to hold his pants up and the gun may have been bouncing up and down in his pocket. Suspect Parker said he had first taken the gun out of his pocket when he was in the middle of the alley. It was about that time when he first got shot. He continued running and saw another police car pulling up as he rounded the corner. He said he was trying to put the gun in his pocket when he encountered the second deputy. He told the deputy it was okay he was not going to do anything while simultaneously holding his pants up with one hand. He looked at the deputy from an angle and waived his arm telling him everything was okay. The deputy told him to stop and had his gun aimed at him. Suspect Parker ran to the front of a parked car and heard a gunshot which he believed hit the window of a car. Suspect Parker ducked and when he got up he was shot a second time.

Miscellaneous

IAB Lieutenant Patrick Libertone checked to see that the Watch Commander, Sergeant Jose Sandoval took reasonable steps to ensure that the involved parties and witnesses did not discuss the incident among themselves or with uninvolved persons prior to being interviewed by the assigned investigators, as well as the involved parties and witnesses personnel did not collectively consult with their attorney or representative. In addition, Lieutenant Libertone checked to see if the watch commander attempted to have the involved parties and witness personnel gather in the company of a supervisor until they have provided a statement to the assigned investigators.